

**REMARKS**

Claims 1, 3, 6, 43, 54-57, 60-61, 64, 66-67, 73-74, and 83-84 were rejected under 35 USC 102(b) over Fanselow. The rejection is submitted to be moot because applicants have amended claim 1 to recite a film or sheet comprising ionomer/ionomer layers where each including an additive. Transitional phase “consisting of” recited for the second layer. The first layer is the surface layer.

Fanselow discloses a core layer of soft polymer including blends with ionomer *sandwiched* between outer and inside layers wherein the inside layer is an ionomeric copolymer. The claimed invention distinguishes over Fanselow in that the first coextruded layer in claim 1 is a surface layer, not the core layer disclosed in Fanselow. That is, the first coextruded layer is not “*sandwiched*” between other layers.

In Example 18 of Fanselow, the trilayer film comprises an *inside* layer of SURLYN, *a core layer comprising a SURLYN/EMAC blend*, and an *outer* layer of EMAC (*italics applicants’*). That is, the core layer disclosed in Fanselow is an inside layer, not a surface layer.

The claimed invention further distinguishes over Fanselow in that the layer in contact with the ionomer layer consists of ionomer and additive whereas the layer in contact with the ionomer layer is SURLYN/EMAC blend, which is excluded from applicants’ claims.

Claims 1, 3, 43, 56, 60, 64, 66, 73, 77, and 83-84 were rejected under 35 USC 102(e) over Mientus. The rejection is submitted to be moot because amended claim 1 to recite a film or sheet comprising ionomer/ionomer layers where each including an additive.

Mientus discloses multilayer film comprising a thermoplastic *core* layer having a first side (one of the skin layers; reference numeral 18) and a second side (the other skin layer; reference numeral 20) and the core layer (reference numeral 16) comprises a polyolefin and a second polymer which can be an ionomer. The first skin layer is an abrasion and scuff resistant layer and the second layer is a clear layer. See, e.g., abstract. The core layer (polyolefin layer/ionomer) is “sandwiched” between the two skin layers and is not an outside or surface layer.


The claimed invention distinguishes over Mientus in that the first coextruded layer is a surface layer, not the core layer disclosed in Mientus. As discussed above, Mientus does not read on applicants’ claims, as amended.

Claims 1, 3, 6, 43, 54-80 and 83-84 were rejected under 35 USC 102(b) over Flieger (US5789048). The rejection is submitted to be moot because the amended claims call for thermoformed film, which is not disclosed or suggested in Flieger. As briefly discussed in the introductory page, Flieger does not disclose or suggest that an ionomer/ionomer film or sheet, as recited in claim 1 can be thermoformable or is thermoformed.

Flieger discloses a *consumable* package for use in *melt-processing operation* that comprises a container and a melt-processable product such as polymers, elastomers, or additives (abstract). The container is formed from a film, having a low melting point and . . ., made from a random ionomer copolymer comprising of ethylene and 20-45wt % of an unsaturated monocarboxylic acid, being neutralized (abstract and column 2, lines 41-53). The package, such as bags (column 3, lines 31-48), can be melted.

The examiner noted on page 4 of the Office action, Flieger discloses how to produce the film, the properties of the film, and coextruded layers including a black inner layer for ultra-violet light protection, a white middle layer for appearance, and a *clear outer layer for printability and tackiness* (column 3, lines 1-5; *italics* applicants'), which does not seem to be an ionomer layer for ionomer layer is not known to be tacky.

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